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Office of The Ombudsman, Hong Kong

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Direct Investigation Report

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Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/ Social Security Allowance Applicants and Recipients

□□□□□□□2020□1□17□

Completion Date: 17 January 2020

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This report is also available on our website at www.ombudsman.hk.

English version of the report will be uploaded soon.

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4 *[illegible]*	**4.1**
I. *[illegible]*	**4.2 – 4.6**
II. *[illegible]*	**4.7 – 4.8**
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2. [illegible]

I. [illegible]

3. [illegible] 1990 [illegible]

4. [illegible]

5. [illegible]

6. [illegible]2020[illegible]1[illegible]

II.[illegible]

7. [illegible]

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8. [illegible]

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2020[illegible]**1**[illegible]

Executive Summary
Direct Investigation Report

Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicants and Recipients

Introduction

To qualify for assistance or allowance under the Comprehensive Social Security Assistance ("CSSA") Scheme and Social Security Allowance ("SSA") Scheme, applicants must satisfy the prescribed eligibility criteria, including the residence requirements. After approval of applications, CSSA recipients and SSA recipients (excluding those receiving allowance under the Guangdong Scheme and Fujian Scheme) (collectively referred to as "SSA recipients") must reside in Hong Kong during receipt of the assistance/allowance, with the number of days of their absence from Hong Kong not exceeding the permissible limits ("absence limits"). The Social Welfare Department ("SWD") has established mechanisms to verify that CSSA and SSA applicants and recipients (collectively referred to as "CSSA/SSA applicants and recipients") satisfy the relevant residence requirements or absence limits. During our investigation of individual complaint cases, we found that there might be inadequacies in the relevant mechanism. Hence, The Ombudsman initiated a direct investigation against SWD.

Our Findings

2. Regarding SWD's mechanisms for verifying the travel records of CSSA/SSA applicants and recipients, our findings and comments are as follows.

I. Inadequacies in Regular Data Matching

3. In early 1990, SWD began to establish a mechanism with the Immigration Department ("ImmD") to cross-check the travel records of SSA applicants and CSSA/SSA recipients, thereby verifying that they satisfy the residence requirement or absence limits. Under that mechanism, at the end of every month, SWD provides ImmD with the Hong Kong Identity Card ("HKIC") numbers of SSA applicants and CSSA/SSA recipients for ImmD to conduct data matching ("Regular Data Matching"). The computerised database of ImmD retains travel records for ten years. After completion of data matching, ImmD will revert to SWD at the beginning of the following month with the travel records of the persons concerned who cleared immigration with their HKICs. Based on those records, SWD verifies whether the persons concerned satisfy the relevant residence requirement or absence limits.

4. Since Regular Data Matching is conducted using only the HKIC numbers of the persons concerned, it is unable to obtain their accurate travel records through Regular Data Matching if those persons used travel documents other than the HKIC to exit and/or enter the territory. Consequently, it is unable to ascertain that the persons concerned indeed satisfy the residence requirement or absence limits.

5. We consider that in the past, outbound travelling was not so prevalent among Hong Kong residents, and only a minority of SSA applicants and CSSA/SSA recipients were holding identification or travel documents other than the HKIC. As a result, at the time when Regular Data Matching was introduced, it probably provided an effective and accurate means to verify the travel records of the persons concerned. Nevertheless, as the times and social circumstances change, there is a much higher chance now than before that SSA applicants and CSSA/SSA recipients will use identification or travel documents other than the HKIC to enter and exit Hong Kong. It is no longer possible to accurately verify the travel records of all SSA applicants and CSSA/SSA recipients through Regular Data Matching.

6. During the course of this direct investigation, we pointed out to SWD that the existing procedures of Regular Data Matching should be improved. SWD responded positively and has started enhancing Regular Data Matching since January 2020. The scope of Regular Data Matching is now extended to cover the travel documents issued by ImmD, making the coverage of travel records considerably more extensive. The scope will be further extended to cover the travel documents issued by other countries/territories.

II. Practice Proper in Not Covering CSSA Applicants under Regular Data Matching

7. Only SSA applicants and CSSA/SSA recipients are subject to Regular Data Matching, while CSSA applicants are not covered. SWD explained that it is because most CSSA applicants can satisfy the relevant residence requirement (i.e. having resided in Hong Kong for at least one year since acquiring the Hong Kong resident status to the date prior to the date of application). Moreover, even after conducting Regular Data Matching on CSSA applicants, ImmD may not be able to provide their complete travel records for confirming whether they satisfy the residence requirement. Considering SWD’s justifications and that the computerised database of ImmD only retains travel records for ten years, we accept SWD’s explanation. We note that in addition to Regular Data Matching, SWD has also established a manual mechanism with ImmD, under which SWD can use where necessary a specific memorandum to obtain, for verification purpose, the detailed travel records of the persons concerned from ImmD on a case-by-case basis (including those cases of CSSA applicants who cannot produce any documents to prove that they satisfy the residence requirement). We consider that the current practice can largely strike a balance between verifying the eligibility of CSSA applicants in terms of the residence requirement, and offering them timely assistance to meet the basic needs of their lives.

Recommendation

8. In the light of the above, The Ombudsman recommends that SWD complete all the enhancements to Regular Data Matching as soon as possible, thereby improving the inadequacies in existing procedures.

Office of The Ombudsman
January 2020

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1.1 [illegible][1][illegible]

1.2 [illegible]

1.3 [illegible] 2019 [illegible] 9 [illegible] 20 [illegible] 7(1)(a)(ii) [illegible]

[illegible]

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[illegible][4]

2.3 [illegible]

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7 [illegible]

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[illegible]

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3.3 [illegible]

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3.6 [illegible] **2.3** [illegible]

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[9] [illegible] 309 [illegible]

[10] [illegible] 56 [illegible]

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(2) [illegible]

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3.10 [illegible] **3.3** [illegible]

3.11 [illegible] **3.7**[illegible]**3.10** [illegible][12] [illegible]

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[11] [illegible]

[12] [illegible] 30(5)[illegible]—

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(a) [illegible]—

(i) [illegible]

(ii) [illegible] 7 [illegible]

(b) [illegible] 7 [illegible]

[illegible]

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[illegible]

3.12 [illegible]

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[illegible]

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I. [illegible]

4.2 [illegible] 1990 [illegible] **3.2** [illegible]

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4.5 [illegible]

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II. [illegible]

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4.9 [illegible]**4.6**[illegible]

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4.10 [illegible]

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